

CHAPTER FIVE

THE LAW OF ENGLAND upon duelling is uncompromising and severe. To kill a man in a duel is to murder him, to fight a duel with him is to attempt to murder him. From time to time more severe penalties have been imposed. In 1828 Lord Lansdowne's Act made it a capital offence to shoot at another man with intent to kill, disfigure, maim, or do him grievous bodily harm; thus to fight a duel, whatever the result, became a crime punishable by hanging. In 1837 the law was modified, and to fight a duel remained a capital offence only if a wound were inflicted; if shots were exchanged harmlessly and no blood was shed, the penalty was three years' hard labour with the treadmill, or transportation, either for life or for fifteen years.

In practice the penalties were almost never imposed. The Duke of Wellington was not hanged for fighting Lord Winchelsea; Lord Castlereagh was not transported when he wounded Mr. Canning; the fifth Lord Byron was not executed for killing Mr. Chaworth; nor did the Duke of York go to the treadmill for fighting Colonel Lennox. In 172 duels known to have been fought between 1760 and

1820, though 91 persons were killed, the death penalty was imposed only twice, and in one instance there was almost a certainty of foul play.

Duelling was an aristocratic practice—workmen and clerks did not run each other through the body for insults in a beerhouse on Saturday night—and it was accepted as part of the code of that separate privileged world, the world of high life which existed outside the world of ordinary citizens. Moreover, though the thought of a duel provoked a shudder, duelling had a flavour of wild poetic justice. Judges and juries found themselves unable to view a deadly combat in which each contestant took his life in his hand in the same light as a murder, or to put a Wellington or a Castlereagh on the same level as a Charles Peace or a William Palmer.

By 1841, however, public opinion had changed. To the age of railways, steamers, and gaslight, of popular education and popular science, duelling appeared criminal and absurd. The intelligent artisan, the powerful and rising middle class were learning to resent aristocratic privilege, and nowhere was it more clearly manifested than in the practice of duelling. Members of the aristocracy had licence to commit a criminal offence and escape the penalty—and only, it seemed, members of the aristocracy.

Two years before, in 1838, on the very ground, the Windmill Wimbledon Common, where Lord Cardigan fought Captain Tuckett, a duel had taken place between a Mr. Elliot and a Mr. Mirfin, in which Mr. Mirfin was killed. The duel was decidedly not in high life. Mr. Elliot had pretensions to gentility as the son of an officer, but Mr. Mirfin was the son of a prosperous linen draper, and lived at an unfashionable address in Lambeth. The duel arose not out of a point of honour, but on account of a collision between the one's gig and the other's phaeton on the Epsom Road on Derby Day.

After Mr. Mirfin's death, Mr. Elliot, the two seconds, and a friend who had been present were taken into custody and charged at Wandsworth police station with murder. Mr. Elliot and his second broke their bail and fled, but the dead man's second and his friend were tried at the Old Bailey for aiding and abetting the murder of Mirfin and sentenced to death. The sentence was subsequently reduced to a year's penal servitude with hard labour, and

the two men were at that time serving their sentence in the Guildford House of Correction, on the treadmill.

On September 29 *The Times* demanded the same treatment for the Earl of Cardigan.

Let his head be cropped, let him be put on an oatmeal diet, let him labour on the treadmill. Let not occasion be given for anyone to say that the same which was visited as a felony on the associates of the linen-draper Mirfin is excused as an act worthy of a man of honour in the Earl of Cardigan.

Meanwhile, slowly and cumbrously the antique, costly machinery for the trial of a peer on a criminal charge was being set in motion. In January, 1841, the case was transferred from Mr. Justice Bosanquet at the Old Bailey to the Lord High Chancellor in the House of Lords, and since no similar trial had taken place since 1776 a committee was set up to determine procedure. On February 2, Lord Cardigan appeared at the bar of the House in the custody of Black Rod, was admitted to bail with two sureties for £20,000, and the trial was fixed for Tuesday, February 16.

Very elaborate preparations were made. The Houses of Parliament had been burned down in October, 1834, and the peers were sitting in the Painted Chamber; more than £2,000 was spent on reconstructing the interior for the trial. Seating for 640 persons was provided, new galleries were put up, and "extensive timber work" undertaken. Lord Cardigan was to sit on a stool within the bar of the House; the Strangers' Gallery was reserved exclusively for peeresses, crimson carpets and matting were laid, and crimson cushions provided for the seating. Seamstresses and upholsterers were reported to be working night and day to complete the work in time.

The prospect of heavier penalties than a prison sentence lay before Lord Cardigan. Should he be convicted—and the facts of the case seemed beyond dispute—he would be a felon, and his lands and goods would automatically become forfeit to the Crown. Early in February he executed a deed of gift making over his property to Viscount Curzon, eldest son of his favourite sister, Lady Howe. The stamp duty on the transaction was said by *The Times* to amount to £10,000, sufficient to cover the cost of the trial.

There were, however, indications that once again the Earl of Cardigan was to escape. According to the law of 1837, duelling was an offence punishable by death if a wound were inflicted, and Capt. Harvey Tuckett had indisputably been severely wounded. But in the three counts of the indictment against Lord Cardigan the Crown ignored the wounding and dealt only with intent—shooting with a leaden bullet with intent to kill and murder, shooting with intent to maim and disable, and shooting with intent to do grievous bodily harm; the omission of wounding meant that he would evade the maximum penalty of the law. Then on the day before the trial it was learned that Capt. Harvey Tuckett was not to be called to give evidence. In an angry leading article *The Times* predicted that there was a plot to leave a loop-hole for Lord Cardigan's acquittal.

On the morning of the trial, February 16, 1841, by a strange coincidence both the Lord Chancellor and the Solicitor-General found themselves suffering from severe indispositions which prevented them from appearing. The office of Lord High Steward, the judge at the trial, was filled by the Lord Chief Justice, Lord Denman, whom Greville described as "an honourable high-minded gentleman but no lawyer and one of the feeblest Chief Justices who ever presided over the court of Queen's Bench."

Lord Denman entered the House in his robes at eleven in the morning, preceded by the Serjeant with the Mace, Black Rod carrying the Lord High Steward's Staff, and Garter with his Sceptre. The roll of peers was called, the indictment read, and the Earl of Cardigan brought to the bar. On approaching it he made three reverences and knelt until directed to rise. The indictment was read, and the Deputy Clerk to the Crown asked him, "How say you, my Lord, are you guilty of the felony with which you stand charged, or not guilty?" Lord Cardigan replied, "Not guilty, my lords." "How will your lordship be tried?" "By my peers." The Deputy Clerk to the Crown then responded, "God send your lordship a good deliverance," and the trial began.

The Attorney-General led for the Crown, and after explaining the law on duelling and recounting the facts of the case, he turned aside to deal with a curious scandal. It was being asserted in the press that Lord Cardigan had not behaved fairly in the duel, that

while Captain Tuckett had used duelling pistols Lord Cardigan had used non-duelling pistols, with rifled barrels, which aimed more accurately, and hair triggers, which released the bullet faster. Lord Cardigan flatly denied, to the police and to *The Times*, that his pistols had either rifled barrels or hair triggers, but the police sent the pistols to three gunsmiths for independent examination, and after reading Lord Cardigan's denial, the gunsmiths asked *The Times* to publish their report. They testified unanimously and with a wealth of technical detail that "Captain Tuckett's were the common kind of duelling pistols but that Lord Cardigan's were of superior manufacture, with hair triggers and French rifled." However, on October 15 Captain Tuckett had written to *The Times* stating he was "sure the Earl of Cardigan had not the most distant idea of taking advantage of him in the duel."

The Attorney-General now opened his prosecution by handsomely clearing Lord Cardigan, but he gave Captain Tuckett no credit for his generosity. The Earl of Cardigan was

at once acquitted of anything unfair in the conduct of this duel. Something had been said about rifled barrels. However that may have been he, the Attorney-General, had the most firm conviction that nothing but what was fair and honourable was intended. . . . Nor did he suppose that there was in the mind of Lord Cardigan any grudge against Captain Tuckett—any personal animosity or rancour. . . . Under these circumstances if death had ensued it could have been regarded rather as a great calamity than a great crime.

The Attorney-General then appeared to recollect that he was, after all, prosecuting Lord Cardigan, and finished rather hastily by saying that, "although moralists of high character have excused or even defended the practice of duelling, their Lordships must consider what it is by the law of England."

Evidence for the prosecution was then called. The facts of the case were indisputable, but it was very soon evident that the defence was not interested in facts, only in the identity and nomenclature of Captain Tuckett. The miller had seen a man fighting a duel who described himself as Capt. Harvey Tuckett, and had gone to a certain address, asked for Capt. Harvey Tuckett, and seen the same man, but it was pointed out that he had no previous knowl-

edge of Capt. Harvey Tuckett, and therefore had no means of telling if the man so describing himself were in reality he. The miller said that he had been handed a card by the wounded man; the defence protested that the card was not admissible as evidence. Lord Denman directed that the decision on the card should be postponed, and it was temporarily withdrawn.

When Sir James Eglinton Anderson, M.D., the surgeon who had been present at the duel and taken Captain Tuckett home, was called, Lord Denman informed him that he was not bound to answer any question that might tend to incriminate himself, and he therefore refused to give any information whatsoever. After evidence from the police, a Mr. Walthew, a chemist at 29 The Poultry, where Captain Tuckett occupied rooms as offices, was called. Mr. Walthew, closely examined on his knowledge of Captain Tuckett's names, said he knew only that Captain Tuckett rented accommodation from him and gave his address as 13 Hamilton Place. Had he ever been at 13 Hamilton Place? No. What were his tenant's Christian names? Mr. Walthew knew him only as Harvey Tuckett.

Mr. Edward Septimus Codd, an Army agent, followed. He stated that he paid Captain Tuckett his half-pay, that he saw him only at his place of business, that he had never been to 13 Hamilton Place, and that he knew him by the Christian names of Harvey Garnett Phipps Tuckett.

Sir William Follett, who led for Lord Cardigan's defence, now announced that he had no objection to the card being put in as evidence. On the card was engraved CAPTAIN HARVEY TUCKETT, 13 HAMILTON PLACE.

Upon this Sir William Follett declared that no case had been made out which called for an answer from the prisoner at the bar.

The prosecutor is bound to prove the Christian and surnames of the person against whom the offence is alleged; if he fails in either, he fails in the proof of his case. Every count in the indictment contains the name of Harvey Garnett Phipps Tuckett. There is no evidence to show that the person at whom the noble lord shot upon the 12th September was Harvey Garnett Phipps Tuckett. Mr. Codd received the half-pay of Captain Harvey Garnett Phipps Tuckett, who had been in the 11th Hussars, but there is nothing to connect this Mr. Tuckett

with the person who is said to have been on Wimbledon Common on the 12th September. Mr. Codd does not know where that Mr. Tuckett lives, he never saw him but at his own office. . . . A witness is called who comes from The Poultry and who states that a certain Captain Tuckett occupies rooms in his house, where he carries on the business of an Indian and Colonial Agent, and he states that his name is Harvey Tuckett, but he does not know his other names and he does not know where he lives. There is, therefore, no evidence to connect the Captain Tuckett spoken of by Mr. Codd as bearing those Christian names with the Captain Tuckett spoken of by the other witnesses. . . . My Lord, this point has been expressly decided . . . it is laid down in all the books on this point, that it is essentially necessary to prove the Christian and the surnames of the party against whom the offence is alleged to have been committed and in this case there is no proof . . . to show the Christian names of the gentleman who was there [upon Wimbledon Common] upon that day.

A few minutes later, strangers having withdrawn and the Earl of Cardigan having been removed in the custody of the Yeoman Usher, Lord Denman gave it as his opinion that there was "an absolute want of circumstance to connect the individual at whom the pistol was fired, and who afterwards was seen wounded in Hamilton Place, with the half-pay officer known to Mr. Codd as bearing the names set forth in the indictment" . . . and he "ventured to declare . . . that the Earl of Cardigan is entitled to be declared not guilty."

Strangers were again admitted, proclamation was made for silence, and Lord Denman, standing up, called every peer by his name, beginning with the junior baron, and asked him: "John, Lord Keane, how says your lordship; is James Thomas Earl of Cardigan guilty of the felony of which he stands indicted, or not guilty?"

Whereupon John, Lord Keane, standing up in his place, uncovered, and laying his right hand upon his breast, answered, "Not guilty, upon my honour."

All the peers present answered in the same manner with the exception of the Duke of Cleveland, who answered, "Not guilty legally, upon my honour."

Lord Denman, the Lord High Steward, then made the same declaration, and the Earl of Cardigan was brought to the bar and

informed that he had been pronounced not guilty by a unanimous sentence. His Lordship, after bowing, retired, and "the white rod being delivered to Lord Denman, the Lord High Steward, by the Gentleman Usher of the Black Rod, his Grace stood up uncovered, and holding the staff in both hands broke it in two and declared the commission to be dissolved."

On the night of his acquittal Lord Cardigan appeared in a box at Drury Lane, and a riot took place. Yells, hisses, shrieks, groans made it impossible for the performance to begin; it being feared that the Earl would be attacked in his box, he was taken out of the theatre by a side door. The next day *The Times* thundered out a furious leader attacking the integrity of the judicature, and casting doubts on the sincerity with which the officers of the Crown had performed their duties. Particular exception was taken to the "tender consideration" with which the Earl had been treated by the Attorney-General and Lord Denman. Had the noble Earl been a linen draper, perhaps Lord Denman would not have so kindly reminded a material witness before his examination began that he need not answer a single question unless he liked.

On March 5, in the House of Commons, Joseph Hume took advantage of a debate on Army estimates to raise the question of the conduct of the Earl of Cardigan once again. He referred to the "extreme irritation of the public mind" and the "extraordinary conduct of the Commander-in-Chief, Lord Hill, in consistently refusing to take notice of the behaviour of the Lieutenant-Colonel of the 11th Hussars." What had been the history of the 11th since the noble Earl was reinstated in its command? He would like to see a return of officers who belonged to the regiment when Lord Cardigan joined it, what complaints were made, what remonstrances had taken place, how many had quitted the regiment. He ventured to say that no man henceforward could join the regiment under its present commander without having "slave" branded on his forehead, and he called on the Secretary for War for an explanation in the case of Capt. Richard Reynolds of the 11th Hussars, an officer of fourteen years' standing, who, after receiving the praise of

every individual officer under whom he had served, had been dismissed from the service for a single offence, with many extenuating circumstances.

The Secretary for War was Thomas Babington Macaulay, the celebrated historian and essayist, who had, says his biographer, "to put the best face he could on these ugly stories." He "admitted that the topic of Lord Cardigan was one of violent irritation and great general excitement, and that the Government had acted in the face of the whole Press and the general cry of the country. Could Lord Cardigan go to a theatre that he was not insulted? Could he take his place in a train without having a hiss raised against him? Was there ever a case in which a man was more violently and intemperately assailed?" But, he inquired, what was the Government supposed to gain by shielding Lord Cardigan, who was not a supporter of the Government? The Government was a Whig Government, and Lord Cardigan was notoriously a violent Tory. The truth, said Macaulay, was very different. The Commander-in-Chief, Lord Hill, supported "by the authority of one other name, which stands even higher than Lord Hill's in general estimation and professional eminence"—the Duke of Wellington—had decided that there was no ground for instituting proceedings by court martial against the Earl of Cardigan, that it was impossible to resort to half-pay as a punishment, and that it would be unjust to dismiss him from the service without a court martial, and thus to establish a precedent for the dismissal of an officer for faults of manner and temper of such a nature that it was impossible to make them capable of proof before a court martial. "Having deliberately come to that opinion," finished Macaulay, "the clamour which has been raised has only determined the Government to adhere to it more firmly. I say nothing of Lord Cardigan, I don't pretend to say he is faultless, but I insist that the principles on which the Government acted are sound ones."

The House, however, was not satisfied. Lord Howick, who as Secretary for War had supported Lord Cardigan's reinstatement in 1836, demanded that Richard Reynolds should be restored to his rank; it was the very greatest error, he said, that an enquiry into the conduct of the Earl of Cardigan had not been ordered; and when Colonel Sir George de Lacy Evans wound up the debate by

putting it to the vote that the matter should not be allowed to rest, the vote was carried with loud applause.

The debate took place on Friday night, but by Monday an extraordinary change had taken place. The astonishing influence of the Duke of Wellington had made itself felt during the week-end, and his inflexible resolution had prevailed. The Army was not to be dictated to by the House of Commons, the great principle designed to save the country from military domination was to be preserved, even if with it was preserved Lord Cardigan. Lord Howick and Colonel Sir George de Lacy Evans were silent, and only the small and unpopular band of radicals continued to press for an enquiry. Daniel O'Connell, the Irish liberator, supporting Joseph Hume, opened his speech by stating that he had hoped someone of more influence in the House than himself would have taken the matter up, but no one had come forward. His plea for an enquiry fell flat, and when Sir Richard Hussey Vivian, Master-General of the Ordnance, said that in his opinion it was always very objectionable to bring questions relating to the discipline of the Army into the House of Commons, the House concurred. The debate dwindled to a close, no division was taken, and the House adjourned.

Within a month Lord Cardigan was again in the public eye. Once more the papers were filled with violent outcries against him, once more the populace was infuriated—so infuriated that he had to drive about London in a closed carriage with the blinds down. With extraordinary lack of good sense and good feeling, he had had a soldier flogged on Easter Sunday in the building which had just been used for public worship, and in such a way that the punishment appeared to be a continuation of divine service.

The 11th Hussars were stationed at Hounslow, and while at Hounslow the chaplain held church services in the riding-school. On Easter Sunday, April 11, 1841, the regiment attended morning service, and as soon as it was over they were marched to their quarters; there a short inspection took place, and then they were marched back at once to the riding-school, where they witnessed the flogging of one of their comrades.

The press flung itself on the news. In a violent leader on April 21, headed "The Atrocity Committed by Lord Cardigan," *The Times* demanded his removal in the name of common humanity and common decency. On April 20 Joseph Hume asked a question in the Commons, supported by an indignant House. Amid loud "hear, hears" from all sides, Mr. Macaulay admitted that

the immediate infliction of punishment on a Sunday after divine service was clearly contrary to the religious feelings and habits of the people of this country and could not be reconciled either with good taste or good feeling. [Loud applause.] In fact, however, a disposition to inflict corporal punishment, whatever imputations might be cast on Lord Cardigan, was not one which could justly be thrown on him. This was the first instance of corporal punishment in the regiment for two years. Such notice, however, had been taken of the proceeding, and such further notice would be taken, as to render it impossible that a recurrence should take place.

He sat down amid loud "hear, hears."

On April 22 Lord Hill issued an order of the day, which was circulated to every regiment in the service, censuring Lord Cardigan.

It is well known that it is not the practice of this country to carry the penal sentences of the law into execution on the Lord's Day; neither is it the practice of the army, whether abroad or at home. The General Commanding-in-Chief is therefore surprised that an officer in the situation of Lieutenant-Colonel commanding a regiment should have carried such a sentence into execution on Sunday.

Lord Hill's rebuke was not enough. Public feeling in the country against Lord Cardigan was dangerously strong, and the Government saw the very situation arising which they had striven at such cost to avoid: a great outburst of popular indignation would be expressed through the Commons which the military authorities would not be able to resist. A special meeting of the Cabinet was summoned. It was decided that Lord Cardigan must go, and the Prime Minister, Lord Melbourne, saw Lord Hill and told him he must advise the Queen to remove Lord Cardigan from his command. On April 22 Lord Melbourne wrote to the Queen preparing her for Lord Hill's visit.

We have had under our consideration at the Cabinet the unfortunate conduct of Lord Cardigan. The public opinion on it is very strong, and it is almost certain that a motion will be made in the House of Commons for an address to your Majesty to remove him from the command of his regiment. Such a motion, if made, there is very little chance of resisting with success, and nothing is to be more apprehended and deprecated than such an interference of the House of Commons with the interior discipline and government of the Army. It was also felt that the general Order issued by the Horse Guards was insufficient to meet the case: and in these circumstances it was thought proper that Lord Melbourne should see Lord Hill and should express to him the opinion of the Cabinet, that it was necessary that he should advise your Majesty to take such measures as should have the effect of removing Lord Cardigan from the command of the 11th Hussars. The repeated acts of imprudence of which Lord Cardigan has been guilty, and the repeated censures which he has drawn upon himself, form a ground sufficient for such a proceeding, and indeed seem imperiously to demand it. Lord Melbourne has seen Lord Hill and made to him the communication, and has left it for his consideration. Lord Hill is deeply chagrined and annoyed, but will consider the matter and confer with Lord Melbourne upon it tomorrow.

Very great pressure was being put on Lord Hill, reported *The Times*. Mr. Macaulay was said to have pointed out to him that further resistance by the military authorities was absolutely dangerous.

The very principle which was at stake, that of preserving the Army from political control, would be sacrificed, because a change in the management of the affairs of the Army would be called for in a tone so imperative as to make further resistance to public opinion impossible. It had therefore been reluctantly decided that the Earl must take the earliest possible opportunity to sell out, thus being afforded the grace of having originated his own retirement.

Even as *The Times* leader-writer was penning his lines the situation changed; once again the Duke of Wellington interposed. Immediately after seeing Lord Melbourne, Lord Hill had hastened to consult the Duke, and the strength of mind, the indifference to popular opinion, and the inflexible principles of the Duke's extraordinary character had their invariable effect. The Duke was not

to be moved: he was not going to allow the Army to submit to political control, the Army must manage its own discipline according to its own code. Lord Hill went from the Duke to Lord Melbourne, and next day Lord Melbourne wrote to the Queen in a very different tone.

. . . this question may materially affect the discipline of the Army by subjecting the interior management of regiments to be brought continually under the control and inspection of the House of Commons, upon complaints of officers against their superiors, or even of private men against officers.

The danger of the whole of Lord Cardigan's proceedings has been lest a precedent of this nature should arise out of them. . . . Lord Melbourne has desired the Cabinet Ministers to assemble here at four o'clock, in order to consider the subject. Lord Melbourne has seen Lord Hill again this morning, and Lord Hill has seen and consulted the Duke of Wellington, who has stated his opinion very fully.

The opinion of the Duke is that the punishment on Sunday was a great impropriety and indiscretion on the part of Lord Cardigan, but not a military offence, nor a breach of the Mutiny Act or of the Articles of War; that it called for the Censure of the Commander-in-Chief, which Censure was pronounced by the General Order, upon which the Duke was consulted before it was issued, and that according to the usage of the Service, no further step can be taken by the Military authorities. This opinion Lord Melbourne will today submit to the Cabinet Ministers.

Sympathy for Lord Cardigan came also from a powerful and unexpected quarter—the Queen. With Queen Victoria Lord Cardigan was, and remained, on terms of surprising amiability. He had met Prince Albert when he arrived in England, the Prince had become Colonel of the 11th, the regiment bore the title of Prince Albert's Own, and both the Queen and the Prince admired the brilliance and smartness of the 11th under Lord Cardigan's command.

Lord Cardigan was not removed from the command of the 11th Hussars, and when it became known he had been retained on the Duke of Wellington's advice the clamour died away. On Cardigan himself the effect of this latest disturbance was extremely slight. In his autobiographical sketch he writes merely that there

was one detail, the Sunday flogging, in which his conduct was not approved by his military superiors.

However, in the summer and autumn of 1841 his attention was not exclusively taken up by military matters: he was working, desperately hard, to get himself appointed Lord Lieutenant for the County of Northamptonshire. As an Earl, a Brudenell of Deene, one of the largest landed proprietors in the county, and a staunch Tory, he considered the Lord Lieutenancy of Northamptonshire to be his due; and, after the attacks on his reputation, the appointment was extremely desirable. The present Lord Lieutenant, Lord Westmorland, was known to be in failing health, and Lord Cardigan had already written to Sir Robert Peel in May, 1839, asking, indeed demanding, that Sir Robert should give a promise to appoint him should a vacancy occur and the Tory Government be in power.

Sir Robert Peel severely refused, but Lord Cardigan would not be put down. He wrote again, at length, to Peel and to the Duke, repeating his claims of rank, property, and political service, tactfully adding in a covering note that no answer was expected. In September, 1841, a disturbing idea struck him—could it be that he had received no promise of the Lord Lieutenancy on account of his trial in the House of Lords? He had been acquitted, and unanimously acquitted—surely the trial could not be held against him, and he wrote off to Sir Robert Peel on September 18 asking once more for a firm promise of the Lord Lieutenancy. "I hope you will not consider the trial to which I was subjected in the House of Lords last spring as any disqualification for the appointment." On December 15 Lord Westmorland died. Some days passed, but Lord Cardigan received no intimation of his appointment, and on December 23 he wrote to Sir Robert Peel with irritation. Were his services to the Tory Party to be ignored? He reminded Sir Robert that he had had to give up his seat at Marlborough in 1829 in consequence of supporting Sir Robert and the Duke on Catholic emancipation, and had been "forced to make a considerable pecuniary sacrifice" to obtain another seat; he had fought a severely contested election after the Reform Bill in Northamptonshire, and had secured the seat for the Tories. Was he to receive no reward, no recognition, even in his own county?

The fact was that Peel and the Duke had already settled the

appointment, and Cardigan's name had not been mentioned. On January 6, 1842, the appointment of Lord Exeter to the Lord Lieutenancy of Northamptonshire was announced.

"Cardigan is very angry he has not got it," wrote Greville. He was more than angry—he was deeply wounded. He insisted on seeing Sir James Graham, Secretary of State, and demanded an explanation. Sir James told him bluntly that his conduct with regard to the 11th Hussars made it impossible to appoint him. Lord Cardigan was astounded, and on January 9 he wrote to Sir Robert Peel a hurt and angry letter—the conduct to which Sir James Graham referred had "*on each separate occasion, as it occurred, in detail* (with one exception) been approved by my military superiors." Because of the outcry in the press, he had been deprived of an honour "to which I may safely say it is generally thought I have the highest pretensions" and which he "could not but feel confident would have been conferred on me by a Government the Leader of which I had so long and faithfully supported." A "marked slight" and a "stigma" had been inflicted on him in his own county, on account of "a single act of indiscretion."

He did not stop at reproaching Sir Robert Peel, he reproached the Duke also. His disappointment at not being Lord Lieutenant, he wrote to the Duke on January 14, 1842, was "extreme." Sir Robert Peel had told him, when he "personally applied for the situation," that the Duke would be consulted, and for twenty-two years he had undeviatingly supported the Duke's Governments under all circumstances at great personal sacrifices—"much greater sacrifices than any other person who aspired to lay claim to the situation can possibly claim to have made." He could not, "having regard to these great material services refrain from expressing his great disappointment that he should not have been thought worthy to receive this honour." At the same time he begged the Duke to exonerate him "from any other wish or intention than of addressing your Grace with the most profound respect. I am incapable of any other course, for I may safely assert that of all your Grace's adherents and admirers, the Humble Individual who addresses you has ever been one of the most firm and most ardent." The Duke replied through his secretary that he was sorry for Lord Cardigan's disappointment.

Yet, though Lord Cardigan was enraged, resentful, and wounded, no single doubt crossed his mind; his self-confidence, his faith in himself, remained unshaken. In March, 1842, a vacancy occurred in the Order of the Garter, the highest honour the British Crown has to bestow, and Lord Cardigan at once applied to be elected. It was, he wrote on March 3, due to him, to make up for not having been elected Lord Lieutenant of Northamptonshire. Sir Robert Peel received the request with surprise. Only once before in all his experience, he wrote to the Queen on March 20, had a direct application been made for a Garter. The Queen, however, supported Lord Cardigan—evidently he had discussed his disappointments with her. It happened that in April Prince Albert was officially advised by Sir Robert Peel that it was desirable for him to retire from the Colonelcy of the 11th Hussars and become Colonel of the Guards. On April 20, 1842, the Queen wrote,

The Queen encloses the Prince's letter to Sir Robert Peel, containing his acceptance of the Guards. At the same time the Queen and the Prince feel much regret at the Prince's leaving the 11th. . . . The Queen fears, indeed knows, that Lord Cardigan will be deeply mortified at the Prince's leaving the regiment, and that it will have the effect of appearing like another slight to him; therefore the Queen much wishes that at some fit opportunity, a mark of favour should be bestowed on him. . . . The Queen hopes Sir Robert will think of this.

In spite of the Queen's wish, Sir Robert did not recommend Lord Cardigan for the Garter. In September another vacancy occurred, and Lord Cardigan at once applied again, complaining vigorously that no slightest mark of the Queen's favour had been bestowed on him. Again he was refused. In July, 1843, there was a third vacancy; once more Lord Cardigan pressed his claim, and once more he was refused.

However, Lord Cardigan was not only occupied in seeking public honours—much of his attention was engrossed by his personal affairs. His marriage had long since failed. Within a year of his marrying Elizabeth Tollemache only fear of public scandal kept them together. With his violent temperament, remarkable good looks, and great wealth, entanglements were inevitable. Lord Cardigan's love affairs became legendary, and whole villages in

Northamptonshire were said to have been populated by him with the children denied him in marriage.

In 1842 the papers were filled with Lord Cardigan's name, as a result of his relations with Lady Frances Paget, wife of Lord William Paget, second son of the Marquis of Anglesey. The affair had a decided flavour of knight errantry. Lady Frances was very lovely and had been married very young, Lord William was said to be brutal, to neglect her for months at a time, and to be unfaithful. One day Lady Frances, who was being watched by her husband's orders, rushed up from the country and summoned Lord Cardigan to her house off Berkeley Square. A man named Winter was hastily concealed under her drawing-room sofa, while Lord William posted himself in a cab in Berkeley Square. Lord Cardigan appeared, Lady Frances took him into the back drawing-room and shut the folding doors; and so, though Winter remained under the sofa for more than two hours, he "could not be certain what happened." After two hours Lord Cardigan drove away, Lord William emerged from his cab, very high words were heard to pass between husband and wife, and Lady Frances was later observed to have a black eye. She, however, steadfastly denied that anything had passed beyond friendship," and on September 11, 1841, Lord William took the extraordinary step of writing a letter to *The Times* declaring his determination of proving Lord Cardigan's innocence or guilt by a trial at law.

The affair dragged on for two years, receiving an enormous amount of publicity. Lord William offered to fight a duel, but was informed that "Lord Cardigan could never again fight a duel in England." Finally, on December 22, 1843, an action appeared in the list at the Guildhall, brought by Lord William Paget against the Earl of Cardigan for "crim con"—criminal conversation, adultery—with Lady Frances Paget. Public excitement was intense. The court was packed, and a special jury had assembled when, "like a thunderclap," it was announced that the case had been withdrawn. Winter, Lord William Paget's principal witness, was not to be found.

In a letter which he sent to every newspaper in London, Lord William Paget asserted that Lord Cardigan was guilty of "the wicked and infamous crime of having bought and sent out of the

way the principal witness against him." Lord Cardigan published an angry denial, and the affair petered out in an enraged correspondence, printed by *The Times*, in which furious assertions by Lord William were countered by equally furious denials by Lord Cardigan. It was admitted that Winter, a disreputable character with a police record for blackmail, had approached Lord Cardigan's solicitors, but denied that any offer had been made him.

But when the lieutenant-colonel did find time to turn his attention to his regiment, the 11th found him as rigorous, as exacting, and as much a law unto himself as ever. Even with Lord Cardigan at a distance, disturbances continued, and in February, 1842, the adjutant left the regiment, in consequence of being required to supply secret reports on the behaviour of his brother officers.

In August, 1842, however, a change of immense importance took place in the administration of the Army. Lord Hill's health failed, he retired, and was succeeded by the Duke of Wellington, who became Commander-in-Chief for life on August 15. Just previous to assuming the command, the Duke had had a unique experience: he had been overruled in a military matter which concerned the Earl of Cardigan. The Government continuing to be uneasy about the case of Capt. Richard Reynolds, pressure was put on Lord Hill by the Cabinet, and against the Duke's strongly expressed advice, the verdict of the court martial was rescinded and Richard Reynolds was gazetted to a captaincy in the 9th Lancers on April 18. No sooner had the Duke taken up his appointment as Commander-in-Chief than he found himself involved in a fresh series of unpleasantnesses arising from the conduct of the Earl of Cardigan.

It was one of Lord Cardigan's characteristics that his wounds remained always fresh: time exercised no soothing influence on his mind, and those who had offended him years before were pursued with a vindictiveness as active as if offence had been given yesterday. Captain John "Black Bottle" Reynolds had escaped the lieutenant-colonel's vengeance by going to the Senior Department of the Royal Military College, but he had taken a batman from the 11th with him, and the batman drank. There were no means of disciplining or controlling the man at the Military College, and Lord Cardigan refused to allow another batman to be sent from the

regiment. The batman's drunken habits became a nuisance, John Reynolds protested, angry letters were exchanged. Then Lord Cardigan sent the papers to the Duke, and the Duke was extremely annoyed. Drafting a letter to Lord Cardigan, he ordered him to "let the *de facto* authorities of the regiment decide this case and drop it. . . . I suggest this for my sake, as I really have not leisure time to consider all the nice details of these trifles." On the side of his draft the Duke scribbled, "I must add that it will be quite a pleasing occupation to command the army if I am to have many such commanding officers as Lord Cardigan."

The ink was hardly dry on the Duke's letter when he received a complaint about Lord Cardigan's treatment of William, now Captain, Forrest. Cardigan had not forgiven Captain Forrest; the matter of the key of his room at Brighton still rankled in his mind, and he refused to allow Forrest any leave, though he had been seriously ill and was still convalescent. Captain Forrest, however, had a brother-in-law, Maj. Carmichael Smyth of the 93rd (Argyll and Sutherland) Highlanders, who was known to the Duke. The Carmichael Smyths were a remarkable family; one brother, Sir James of the Engineers, had drawn the plans for Waterloo for the Duke and another had become Thackeray's step-father and was the model for Colonel Newcome.

And in October Maj. Carmichael Smyth wrote to the Duke respectfully imploring him to investigate the Earl of Cardigan's conduct not only towards Captain Forrest, but towards other officers.

The Duke made enquiries, and wrote severely to Lord Cardigan. It was his "earnest suggestion that you carry out the provisions of the General Regulations and orders of the Army in a spirit of Conciliation and Indulgence, and, above all, exercise your command in such a manner as shall prevent your being involved in fresh disputes on trivial regimental matters."

But it was not easy to make an impression on Lord Cardigan. In April, 1843, the 11th Hussars were sent to Dublin. The lieutenant-colonel went with them, and as soon as he was living with his regiment fresh disturbances broke out. By September the newspapers were busy with the 11th Hussars again.

Lord Cardigan's "system of harshness and oppression towards

his officers," wrote *The Times*, was in no way mitigated. He had placed his senior lieutenant under arrest for being ten minutes late for stables; he had arrested three officers who had mistakenly supposed a field day to be terminated and were separated from their horses when he suddenly gave an order to remount. In each case an appeal had been made to the general commanding, who ordered their release. Senior officers had written to the general in command to complain of Lord Cardigan's language on parade, and a round robin had been addressed to the Duke of Wellington, the Commander-in-Chief, complaining of Lord Cardigan's habit of scolding officers before the assembled regiment.

On receipt of the round robin, the Duke sent down a message to the officers of the 11th, and it was copied down by Captain Forrest.

The constant disagreement between Lord Cardigan and the officers serving under him having been brought to the notice of the Commander-in-Chief the Duke of Wellington, he proposes, should these dissensions continue, to put a stop to them by dispersing all the officers through various regiments in the service.

The Duke did not spare Lord Cardigan.

In future should any officer of the Regiment address any complaint or remonstrance to Lord Cardigan, such letter, together with a copy of the proposed reply from the Lieutenant-Colonel is to be submitted to the General Officer who should be so unfortunate as to have the Regiment under his command.

"This," wrote Captain Forrest, "hit us all very hard." The effect on Lord Cardigan, however, was negligible. Arrests, reprimands, complaints continued; disputes incessantly took place about accommodation, about hunting, about leave. All these, with copies, with explanations, with amplifications were forwarded to the general in command, and finally to the Commander-in-Chief, the Duke of Wellington.

In the winter of 1843, Captain Forrest, after a great deal of difficulty, obtained leave to take his wife, who was expecting a baby, to her relatives in England for her confinement. When they arrived, Mrs. Forrest became suddenly ill, the baby was born, and

on the advice of the doctor, Captain Forrest applied for an extension of leave. Lord Cardigan refused an extension; all the same Captain Forrest stayed with his wife. A violent quarrel followed and the papers were sent to the Duke.

The Duke addressed a withering memorandum to Lord Cardigan.

Upon reading the letters before him, the Duke considered that nothing could be more fair and proper than that Captain Forrest should apply for leave to escort his wife to her friends under the circumstances of her approaching confinement, nor could anything be more natural than that he should make such application to the Commanding Officer. It became necessary for Captain Forrest to apply for an extension, and the Duke considers that Captain Forrest had a perfect right to do so until after his wife's confinement and until after such time as her medical advisers and her friends should cease to wish for his presence. . . . The Duke must observe that in the whole of his experience he had never known the time of the staff of the Army to be taken up in so useless a manner as in the present instance, that if any other Regiment in Her Majesty's Service gave such trouble and could not be commanded without such voluminous correspondence and such futile details an additional Staff would be necessary for conducting the affairs of that Regiment. The details of the foolish quarrels of the officers of the 11th among themselves had gone to such an extent that if they continued the Duke might think it necessary to submit to Her Majesty some plan to relieve the Department from an intolerable annoyance.

Whether the Duke then summoned the Earl of Cardigan to Apsley House to one of the terrible interviews from which men emerged shivering and strangely shrunken is not recorded, but after the incident of Captain Forrest's wife's baby, no more was heard of disturbances in the 11th. Lord Cardigan bore the Duke no grudge, and in 1844 wrote him a number of letters with the object of securing an appointment as aide-de-camp to the Queen. In this, however, he was disappointed.

In 1846 the regiment returned to England, and Lord Cardigan separated from his wife on account of her liaison with Lord Colville, "a mere blockhead," wrote Greville. There was no second divorce, and Lord Cardigan became a celebrated grass-widower. At Deene Park he entertained magnificently, and kept up the house on a

great scale: sixteen men were employed to keep the fires going and the fabric in order, twenty worked in the winter to collect ice for summer use. He also occupied the family mansion in Portman Square. Hunting was his passion, and a famous hunting character, "Gumley" Wilson, describes him during these years, the hardest of hard riders, with head well up, going as straight as a bird, not to be stopped by any fence, but jealous to a degree, and ready to fight anyone and everyone on the slightest provocation. It was generally thought that his unfortunate marriage had soured him.

On three occasions the 11th Hussars were inspected by Prince Albert and the Duke, and "the appearance of the regiment and the precision and celerity with which the field movements were executed elicited tokens of the utmost approval."

At last it seemed that he had found his niche. Captain Wathen, "Black Bottle," Richard Reynolds, the Sunday flogging were forgotten. Now he had achieved his ambition; the British Army had no smarter regiment than the 11th Hussars—their precision, their operatic splendour were famous. Certainly he had had disappointments, but he had consolations, too: his riches, his rank, his pleasures, his brilliant Hussars saluting him as he walked down St. James's Street. He was becoming elderly, and now that he was over fifty much of his time was occupied in treatment for an irritating bladder complaint, and he was also subject to chronic bronchitis. It seemed reasonable to suppose that his troubles must now be in the past.